IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

COMPANY APPLICATION No. 108 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ESQUIRE DECOR HPL PRIVATE LTD. - Applicant(s)
Versus
. - Respondent(s)

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Appearance :
MRS SANGEETA N PAHWA for Applicant(s) : 1,
None for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 05/03/2007

ORAL JUDGMENT

Present Judges summons has been taken out by the applicant company i.e. Esquire Décor HPL Private Ltd. (the transferor company), who has entered into the proposed scheme of amalgamation with the Vibrant Decor (India) Pvt. Ltd. (the transferee company) for an appropriate order of dispensing with the meeting

of the equity shareholders and the creditors of the applicant company for the purpose of considering and if thought fit with or without modifications the proposed scheme of amalgamation as required under section 391 of the Companies Act, 1956.

2. Shri Pahwa, learned advocate appearing on behalf of the applicant company has invited the attention of the Court to page 41 and 45 (Annexure D colly. to the application) and has submitted that all the equity share holders, secured creditors and unsecured creditors of the applicant company have given their consent in writing to the proposed scheme of amalgamation. Therefore, it is requested to dispense with the meeting of the equity shareholders, unsecured creditors and secured creditors of the applicant company.

3. Having procured and produced the written consent of the equity shareholders, secured as well as unsecured creditors of the applicant company to the proposed scheme of amalgamation of amalgamating Esquire Décor Hpl Private Ltd. with the Vibrant Decor (India) Pvt. Ltd., the meeting of the equity shareholders secured as well as unsecured creditors as required under section 391 of the Companies Act, 1956 is hereby dispensed with.

5. With this the present application is disposed of. No costs.

(M.R. SHAH, J.)

shekhar